

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

INGA DOW,

Plaintiff,

V.

**KELLER WILLIAMS REALTY, INC.,
JOHN DAVIS, GO MANAGEMENT, LLC,
DAVID OSBORN, SMOKEY GARRETT
AND GARY KELLER,**

Defendants.

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No.: 4:21-cv-01209-P

**DEFENDANT JOHN DAVIS’
MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT**

4. Plaintiff's Amended Complaint fails to state an actionable claim for tortious interference with existing contractual relationship or prospective relationship because the injury claimed was to an entity and not to Plaintiff individually and because the damages sought by Plaintiff are not recoverable in her individual capacity.

5. Plaintiff's Amended Complaint fails to state an actionable claim for existing contractual relationship because Plaintiff fails to plead willful intent by Davis to interfere.

6. Plaintiff's Amended Complaint fails to state an actionable claim for existing contractual relationship because Plaintiff has not alleged acts of interference by Davis as to the alleged agreement between Plaintiff and Scott Tolar.

7. Plaintiff's Amended Complaint fails to state an actionable claim for tortious interference with prospective relationship because she does not plead a reasonable probability that Plaintiff would have entered into a contractual relationship.

8. Plaintiff's Amended Complaint fails to state an actionable claim for prospective relationship because Plaintiff fails to plead intent by Davis to interfere.

9. Plaintiff's Amended Complaint fails to state an actionable claim for prospective relationship because Plaintiff fails to plead that the alleged acts of interference by Davis were independently tortious.

PRAYER

For the reasons set forth in this Motion, John Davis prays that his Motion be granted, that the causes of action alleged by Plaintiff against Davis in the Amended Complaint be dismissed in their entirety, with prejudice, that Plaintiff take nothing by her suit, that all relief requested by Plaintiff be denied, and that the Court grant Davis such other and further relief to which he may be entitled.

Respectfully submitted,

By: /s/ James T. Drakeley

James T. Drakeley

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Laurie N. Patton

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**ATTORNEYS FOR DEFENDANT JOHN
DAVIS**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing has been served on counsel of record via ECF filing, pursuant to the Federal Rules of Civil Procedure, on this the 11th day of April, 2022.

/s/ Laurie N. Patton

Laurie N. Patton